

## Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Virginia Marble Manufactures, Inc.  
Mailing Address: P. O. Box 766  
Kenbridge, VA 23944  
Facility Name: Virginia Marble Manufactures, Inc. - Plant #2  
DEQ Registration Number: 30914  
Facility Location: Brunswick Avenue, Lunenburg County Virginia  
AIRS Identification No.: 51-111-00019

<u>Permit Number</u>	<u>Effective Date</u>	<u>Expiration Date</u>
VA-30914	December 23, 2003	December 22, 2008

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Robert G. Burnley  
Director, Department of Environmental Quality

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Signature Date

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## **I. Facility Information**

### **Permittee**

Virginia Marble Manufacturers, Inc.  
P. O. Box 766  
Kenbridge, VA 23944

### **Responsible Official**

W. Scott Bridgforth  
President

### **Facility**

Virginia Marble Manufacturers, Inc. - Plant #2  
Brunswick Avenue  
Lunenburg County

### **Contact Person**

Joe Bridgforth  
Director of Special Projects  
1-800-552-1006

Mike Gordon  
Senior Loss Prevention Specialist  
1-800-385-3007

**AIRS Identification Number:** 51-111-00019

**Facility Description:** 3088 – Manufacturer of cultured marble products; such as tubs, vanity tops, and showers.

## II. Emission Units

Equipment to be operated consists of:

### A. Significant Emissions Units

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Processes</b>							
2A	1, 2,3, and 4	2 Casting lines (material mixed and poured into molds)(one automatic and one manual line)	6,388 lb/hr of finished product	None	N/A	N/A	April 14, 2003
2B1 & 2B2	5 and 6	Spray/brush gel coat	6,388 lb/hr of finished product	2 Spray booths Bleeker F-14-7-7	2B	particulate	April 14, 2003
2C1 & 2C2	6 and 8	Sanding and grinding of castings to remove rough edges	Unk	2 Gruber 6-105-96 enclosed grinding booth for Sanding and grinding of castings	2C	particulate	April 14, 2003
MMR	None	mold making and repairing	28 gallons per month of mold making resin and 200 gallons per month of gel coat	None	N/A	N/A	April 14, 2003
T-1 and T-2	none	two polyester resin storage tankers	5,600 gallons of resin (each)	None	N/A	N/A	April 14, 2003
MC	None	Mold cleanup area	Unk	None			April 14, 2003

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

**B. Insignificant Emission Units**

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
5	Burnham hot water heater	5-80-720 B.1	Sulfur dioxide and nitrogen dioxide	1.5 MMBtu/hr #2 fuel oil fired

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

**III. Process Equipment Requirements – Marble manufacturing Equipment (2A, 2B, 2C, T-1, and T-2)****A. Limitations**

1. Particulate emissions from the sanding and grinding operations shall be controlled by fabric filter. The fabric filter shall be provided with adequate access for inspection and shall be in operation when the sanding and grinding processes are operating. (9 VAC 5-80-110 and Condition 3 of 04/14/03 Permit)
2. Fugitive particulate emissions from the collection, transfer and handling of sanding and grinding dust shall be controlled by a completely enclosed transfer system. (9 VAC 5-80-110 and Condition 4 of 04/14/03 Permit)
3. Fugitive particulate emissions from the collection, transfer and handling of collected cultural marble dust shall be controlled by complete enclosure. (9 VAC 5-80-110 and Condition 5 of 04/14/03 Permit)
4. Particulate emissions from the spray booths (2B1 and 2B2) shall be controlled by replaceable filters. The spray booths shall be provided with adequate access for inspection and shall be in operation when gel coating is being performed. (9 VAC 5-80-110 and Condition 6 of 04/14/03 Permit)

5. The fabric filters shall be equipped with devices to continuously measure the differential pressure drop across the fabric filter. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the sanding and grinding processes are operating.  
(9 VAC 5-80-110 and Condition 7 of 04/14/03 Permit)
6. The throughput of casting resin shall not exceed 2,270 tons per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 8 of 04/14/03 Permit)
7. The throughput gel coat resin shall not exceed 245 tons per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 9 of 04/14/03 Permit)
8. The throughput of mold making casting resin shall not exceed 1.6 tons per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 10 of 04/14/03 Permit)
9. The throughput of mold making gel coat resin shall not exceed 11.3 tons per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 11 of 04/14/03 Permit)

10. Emissions from the operation of the sanding and grinding process shall not exceed the limits specified below:

Particulate Matter	0.01 gr/dscf
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PM-10	0.01 gr/dscf
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(9 VAC 5-80-110 and Condition 12 of 04/14/03 Permit)

11. Emissions from the operation of the gel coat spray booths (2B1 and 2B2) shall not exceed the limits specified below:

Particulate Matter	5.4 lbs/hr	6.7 tons/yr
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PM-10	5.4 lbs/hr	6.7 tons/yr
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Volatile Organic Compounds	59.4 lbs/hr	73.6 tons/yr
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Styrene	53.5 lbs/hr	66.2 tons/yr
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Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.A.7. and C.6.

(9 VAC 5-80-110 and Condition 13 of 04/14/03 Permit)

12. Emissions from the operation of the casting process and resin storage shall not exceed the limits specified below:

Volatile Organic Compounds	11.1 lbs/hr	12.9 tons/yr
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Styrene	11.1 lbs/hr	12.9 tons/yr
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Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.A.6 and C.6.

(9 VAC 5-80-110 and Condition 14 of 04/14/03 Permit)

13. Emissions from the operation of the mold making and repairing process shall not exceed the limits specified below:

Volatile Organic Compounds	2.5 lbs/hr	2.9 tons/yr
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Styrene	2.5 lbs/hr	2.9 tons/yr
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Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.



These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.A.8, 9, and C.6.

(9 VAC 5-80-110 and Condition 15 of 04/14/03 Permit)

14. Emissions from the operation of the cleaning operation shall not exceed the limits specified below:

Volatile Organic Compounds	1.0 lbs/hr	1.2 tons/yr
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Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.

(9 VAC 5-80-110 and Condition 16 of 04/14/03 Permit)

15. Visible emissions from the spray booths shall not exceed 5 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-80-110 and Condition 17 of 04/14/03 Permit)

16. Visible emissions from the fabric filters shall not exceed 5 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-80-110 and Condition 18 of 04/14/03 Permit)

## **B. Monitoring and Recordkeeping**

1. At least one time per calendar week an observation of the presence of visible emissions from the spray booth (5 and 6) and sanding and grinding (6 and 8) stacks shall be made. The presence of visible emissions shall require the permittee to:
  - a. take timely corrective action such that the unit, with visible emissions, resumes operation with no visible emissions, or,

- b. conduct a visible emission evaluation (VEE) on the spray booth (5 and 6) or sanding and grinding (6 and 8) stack, with visible emissions, in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the spray booth (5 and 6) and sanding and grinding (6 and 8) stacks are 5 percent opacity or less. If any of the observations exceed the opacity limitation of 5 percent, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the spray booths (5 and 6) and sanding and grinding (6 and 8) booths resume operation within the 5 percent opacity limit.

The permittee shall maintain a spray booth (5 and 6) and sanding and grinding (6 and 8) stack observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the spray booth (5 and 6) and sanding and grinding (6 and 8) booths have not been operated for any period during the week it shall be noted in the log book.  
(9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

1. Annual consumption of cleaning solvent, calculated monthly as the sum of each consecutive 12 month period.
2. Annual throughput of casting resin, calculated monthly as the sum of each consecutive 12 month period.
3. Annual throughput of gel coat resin, calculated monthly as the sum of each consecutive 12 month period.
4. Annual throughput of mold making resin and mold making gel coat resin, calculated monthly as the sum of each consecutive 12 month period.
5. A monthly and annual material balance including the throughput and emissions of VOC, styrene, and methyl methacrylate. Annual throughputs shall be calculated monthly as the sum of each consecutive 12 month period.

6. The annual VOC, styrene, and methy methacrylate emissions, calculated monthly as the sum of each consecutive 12 month period, from the resins and mold cleaning to demonstrate compliance with the emission limits in Conditions A.11, A.12, A.13, and A.14.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Condition 19 of 04/14/03 Permit)

#### **D. Testing**

The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested at the appropriate locations.

(9 VAC 5-80-110 and Condition 20 of 04/14/03 Permit)

### **IV. Facility Wide Conditions**

#### **A. Limitations**

1. Unless otherwise specified in this permit, for a new emission unit at the facility, visible emissions shall not exceed 20 percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.  
(9 VAC 5-80-110)
2. The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.  
(9 VAC 5-80-110 and Condition 23 of 04/14/03 Permit)
3. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affect such emissions:
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
  - b. Maintain an inventory of spare parts.
  - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9 VAC 5-80-110 and Condition 24 of 04/14/03 Permit)

## **V. Permit Shield & Inapplicable Requirements**

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## **VI. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F; 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are **January 1 through June 30** and **July 1 through December 31**.

- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- (1) Exceedance of emissions limitations or operational restrictions;

- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to DEQ and EPA no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is **January 1 through December 31.**
2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. The status of compliance with the terms and conditions of this permit for the certification period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. Consistent with subsection 9 VAC 5-80-110 E, identification of the method or methods used for determining the compliance status of the source with each term and condition at the time of certification and over the reporting period, and whether such methods or other means provide continuous or intermittent data.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the South Central Regional Office within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3. of this permit.  
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after discovery, notify the South Central Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the South Central Regional Office.

(9 VAC 5-20-180 C and 9 VAC 5-50-50)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)



**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**J. Permit Action for Cause**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G & L, 9 VAC 5-80-240 and 9 VAC 5-80-260)

**K. Permit Modification**

Any physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

**L. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

**M. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

#### **N. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **O. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

**P. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

**Q. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

**R. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

#### **S. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **T. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **U. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

## **V. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.  
(9 VAC 5-80-250)

#### **W. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190C and 9 VAC 5-80-260)

#### **X. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

#### **Y. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

#### **Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

#### **AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)